

COMPLAINTS MECHANISM

POKLEČANI WIND FARM (BOSNIA AND HERZEGOVINA)

SG/E/2024/03

**ADDENDUM AND CORRIGENDUM
to the Initial Assessment Report of 11 JUNE 2024**

30 AUGUST 2024



SG/E/2024/03

Addendum and Corrigendum to the Initial Assessment Report

Complaint confidential: No

External distribution

Complainants
Promoter
KfW complaints office

Internal distribution

Inspector General
Relevant EIB services

Disclaimers

This addendum and corrigendum is based on the information available to the EIB Group Complaints Mechanism Division up to 14 August 2024.

German and Croatian versions of this report are available. In case of discrepancies between language versions, the English version prevails.

1 ADDENDUM

- 1.1 In January 2024, the European Investment Bank (the “**EIB**”) received a complaint from an individual regarding the Poklečani Wind Farm project in Bosnia and Herzegovina (the “**project**”), being developed by JP Elektroprivreda HZ HB d.d. Mostar, a public utility company (the “**promoter**”). The Complaints Mechanism assessed the complaint and issued an initial assessment report on 11 June 2024 (the “**Initial Assessment Report**”),¹ which was subsequently published in English, German and Croatian.
- 1.2 Following the receipt and analysis of the Initial Assessment Report, the complainant noted that the project has a negative impact on the house, well and stone walls surrounding the properties. Furthermore, the complainant explained that the art of dry stone walling used for the construction of stone walls is listed as intangible cultural heritage by UNESCO. The complainant highlighted having mentioned these facts in the original complaint letter and thus requested that these elements be added to the allegations outlined in the Initial Assessment Report. Finally, the complainant requested to assess the compliance of the project with EIB Environmental and Social Standard 10 on Cultural Heritage.
- 1.3 After analysing the information presented by the complainant, the Complaints Mechanism considers that the relevant sections of the Initial Assessment Report on the submitted allegations and on the applicable regulatory framework (sections 2.2 and 3.2 of the Initial Assessment Report) should be broadened as requested by the complainant. Therefore, the revised and full set of allegations is:²
- trespassing and damage to the complainant’s property (*house, well and stone walls protected as UNESCO cultural heritage*)
 - insufficient stakeholder engagement, information and participation
 - unlawfulness of the expropriation procedure in accordance with national legislation and lack of compensation offered
 - insufficient environmental approval given that the impacts on flora, fauna and groundwater have not been sufficiently considered and the project area overlaps with a nature park
 - unacceptable future impacts (noise, shade) of wind turbines positioned close to houses and a cemetery and
 - insufficient analysis by the EIB of the project’s compliance with the EIB’s applicable rules and procedure.

The revised regulatory framework reads:³

- EIB policies, procedures and standards:
 - EIB Group Environmental and Social Policy (February 2022)⁴
 - EIB Environmental and Social Standards (February 2022)⁵ (as far as applicable to projects located in candidate and potential candidate countries), in particular:
 - Standard 1 on Environmental and Social Impacts and Risks
 - Standard 2 on Stakeholder Engagement
 - Standard 4 on Biodiversity and Ecosystems
 - Standard 6 on Involuntary Resettlement
 - *Standard 10 on Cultural Heritage.*

¹ Available at: [Initial Assessment Report](#).

² Changes to the Initial Assessment Report are shown in italics.

³ Changes to the Initial Assessment Report are shown in italics.

⁴ Available at: [EIB Group Environmental and Social Policy](#), accessed on 10 April 2024.

⁵ Available at: [EIB Environmental and Social Standards](#), accessed on 10 April 2024.

- National legislation – the EIB does not finance projects that, to the best of its knowledge, do not comply with relevant national environmental and social requirements,⁶ including the ones stipulated in:
 - Federation of Bosnia and Herzegovina Noise Protection Act⁷
 - Federation of Bosnia and Herzegovina Environmental Protection Act⁸
 - Federation of Bosnia and Herzegovina Expropriation Act.⁹
- 1.4 The revised allegations and regulatory framework will be taken into consideration by the Complaints Mechanism during the compliance review aimed at determining whether maladministration attributable to the EIB has occurred.
- 1.5 Meanwhile, the Complaints Mechanism also received additional information from the promoter in relation to the Initial Assessment Report. Amongst others, the promoter conveyed information concerning its interactions and engagement with the complainant, the expropriation procedure and the environmental approval. The promoter also informed the Complaints Mechanism that, in September 2013, during the preparatory phase for the project's documentation, a stakeholder engagement plan and a resettlement action plan were developed and published on its official website. Following changes to the project's scope, the aforementioned plans are in the process of being updated. The promoter further informed the Complaints Mechanism that, once these documents are finalised, they will be made available to the public. All the information provided will be taken into account during the subsequent compliance review.

2 SG/E/2024/03: CORRIGENDUM

- 2.1 The complainant also requested the correction of a factual error in the last bullet point of paragraph 4.6 of the Initial Assessment Report.
- 2.2 After analysing the request, the Complaints Mechanism agrees that the screening-out decision from 2023 to which the complainant refers indeed states that approximately 22 500 square metres (2.25 ha) will need to be felled for the project, instead of the 225 000 square metres mentioned in the last bullet point of paragraph 4.6 of the Initial Assessment Report.
- 2.3 The Complaints Mechanism acknowledges and apologises for this factual error in the Initial Assessment Report. Due to an imprecise translation the paragraph contained two additional inaccuracies regarding the date of the decision and the permission itself.

The last bullet point of the revised paragraph 4.6 of the Initial Assessment Report will therefore read:¹⁰

- Concerning the area needed for tree felling, the screening-out decision from 2023 states that approximately *2.25 ha (equivalent to 22 500 square metres)* of forest will need to be felled for the project, whereas according to the decision of the Ministry of Economy from *November 2023, the total area that is allowed to be cleared is 355 147 square metres.*

⁶ Paragraph 4.4 of the EIB Group Environmental and Social Policy (February 2022).

⁷ O.G. FBiH 110/2012, available [here](#) (in Croatian), accessed on 10 April 2024.

⁸ O.G. FBiH 15/2021, available [here](#) (in Croatian), accessed on 10 April 2024.

⁹ O.G. FBiH 70/2007, 36/2010, 25/2012, 8/2015 – Constitutional Court decision and 34/2016, available [here](#) (in Croatian), accessed on 16 April 2024.

¹⁰ Changes to the Initial Assessment Report are shown in italics.

3 EFFECT OF REVISIONS

The amended allegation and the factual correction do not affect the outcome of the Initial Assessment Report. Therefore, the report remains unchanged for the remainder.